



UNITED STATES BANKRUPTCY COURT  
Northern District of California  
U.S. Courthouse and Federal Building  
280 South First Street Room 3035  
San Jose, California 95113-3099  
(408) 535-5118

**FILED**

JUL 30 2014

United States Bankruptcy Court  
San Jose, California

Edward Emmons  
Clerk of Court

Richard W. Wieking, Clerk  
United States District Court  
280 South First Street  
San Jose, CA 95113

**FILED**  
JUL 30 2014  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

11/A22

Re: Case Name: Booker Theodore Wade, Jr.

Case Number: 13-50376

Bankruptcy Judge Name: Stephen L. Johnson

District Court #:

**CV 14-03453**

**LHK**

Dear Mr. Wieking:

[ ] Enclosed please find the Notice of Appeal, certified copy of the docket and order being appealed and related papers from BAP and designated items to form the record on appeal for assignment to a district court judge.

[x] Enclosed please find a conformed copy of the Notice of Appeal, Election to District Court document, as well as a certified copy of the docket and order being appealed for assignment to a district court judge.

[ ] Enclosed please find a conformed copy of the Notice of Appeal, Election to District Court document, a certified copy of the docket, the order being appealed, as well as Motion for Leave to Appeal / **Non-Final Order/Judgment** for assignment to a district court judge.

[ ] Enclosed please find the record of designated items and a certificate of record for an appeal that has been previously sent to the district court.

[ ] Enclosed please find the Appellant's Designation of Record.

[ ] Enclosed please find the Appellee's Designation of Record.

[ ] Enclosed please find the Statement of Issues.

203

☐ Enclosed please find the Motion for Leave to Appeal / *Non-Final Order/Judgment*.

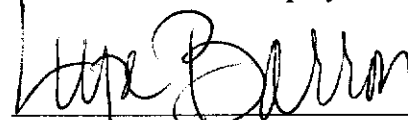
☐ Other.

Please acknowledge receipt of this appeal by stamping the district court case number on a copy of this letter and return it to [Deputy Clerk].

Edward Emmons, Clerk  
United States Bankruptcy Court

Dated: July 30, 2014

By:

  
\_\_\_\_\_  
Lupe Barron, Deputy Clerk

ORIGINAL

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

**FILED**

JUL 29 2014

United States Bankruptcy Court  
San Jose, California

IN RE

Case No. 13-50361

Chapter 11

BOOKER THEODORE WADE JR.

DEBTOR

605 Forest Avenue  
Palo Alto, CA 94301  
SS # 3897

**NOTICE OF APPEAL**

Booker T. Wade, Jr., Debtor and Debtor in Possession herein, hereby appeals under 28 U.S.C. 158(a) and Bankruptcy Rule 8001(a) of the Rules of Bankruptcy Procedure from the orders of the bankruptcy judge entered on July 15, 2014, captioned "Order Converting Case to Chapter 7" and the insofar as the "Order Converting Case to Chapter 7" by omission clarifies and interprets the "Order: (1) Denying Motion to Reject Executory Contract and (2) Granting Motion for Relief From Stay". This notice of appeal is timely as it is made within 14 days of entry of the order appealed from pursuant to Rule 8002 of the Rules of Bankruptcy Procedure.

The names of the parties to the order appealed from and the names, addresses and telephone numbers of their respective putative attorneys are as follows:

PartyAttorney

Arlene Stevens

Arlene Stevens [Pro Se]  
P O Box 51310  
Palo Alto, CA 94303  
[No telephone number]

Arlene Stevens

David Hamerslough  
Rossi Hamerslough Reisch & Chuck  
1980 The Alameda Suite 200  
San Jose, CA 95126  
(408) 261 4252

20

1	Hoge Fenton Jones & Appel Inc.	Stephanie Sparks
2		Hoge Fenton Jones & Appel Inc.
3		60 South Market Street #1400
4		San Jose, CA ____
		(408) 287-9501
5	The Mlnarik Law Group Inc	Mlnarik Law Group Inc.
6		2930 Bowers Avenue
7		Santa Clara, CA 95051
		(408) 919 0088
8	Rossi Hamerslough Reischl & Chuck	Wendy Smith
9		Binder & Malter
10		2775 Park Avenue
		Santa Clara, CA 95050
		(408) 295 1700
11	Campueau Goodsell Smith	William Healy
12		Campeau Goodsell Smith
13		400 North First Street #100
		San Jose, CA
		(408) 295 9555
14	Forest Villa Homeowners Association	Austin Nagel Esq.
15		Law Offices of Austin Nagel
16		111 Deerwood Dr.
17		San Ramon, CA 94582
		(925) 855 8080
18	Wells Fargo Bank	Christopher McDermott
19		Casey O'Connell
20		Pite Duncan, LLP
21		4375 Jutland Drive, Suite200
		PO Box 17933
		San Diego, CA 92177-0933
		(858) 750-7600
22	Discover Bank	Discover Bank (not represented)
23		DB Servicing Corp
24		P O Box 3024
25		New Albany, OH 43054-3025
		(224) 405 0900
26	LVNV Funding LLC	LVNV Funding LLC (not represented)
27		P O Box 10587
28		Greenville, SC 29603-058
		[Phone number not available]

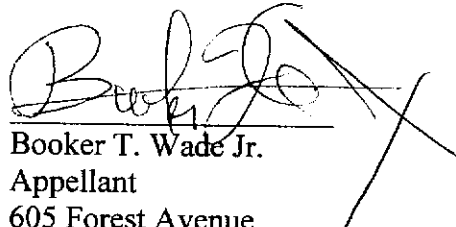
1 Calvary Portfolio Services LLC

Calvary Portfolio Services LLC  
500 Summit Lake Drive Suite 400  
Valhalla, NY 10595  
(800) 501 0909

4 Miller Starr Regalia LLC

Miller Starr Regalia LLC (not represented)  
435 Tasso Street Suite 315  
Palo Alto, CA 94301  
(925) 935-9400

10 July 29, 2014

11   
12 Booker T. Wade Jr.  
13 Appellant  
14 605 Forest Avenue  
15 Palo Alto, CA 94301  
16 415 378 6250

ORIGINAL

**FILED**

JUL 29 2014

United States Bankruptcy Court  
San Jose, California

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

**IN RE**

Case No. 13-50376 SLJ

**BOOKER THEODORE WADE JR.**

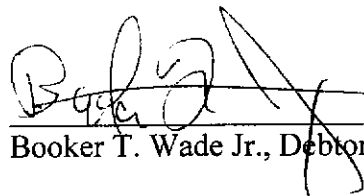
Chapter 11

**DEBTOR**

**NOTICE OF ELECTION TO HAVE UNITED STATES DISTRICT COURT HEAR APPEAL**

Booker T. Wade, Jr., Debtor and Debtor in Possession, pursuant to 28 U.S.C. 158(c)(1)(A) and Fed. R. Bankr. P. 8001(e), hereby elects to have the United States District Court for the Northern District of California hear this appeal of the orders of the Court entered on July 15, 2014, converting case to Chapter 7 and ruling clarifying and interpreting the "Order: (1) Denying Motion to Reject Executory Contract and (2) Granting Motion for Relief From Stay".

July 29, 2014

  
Booker T. Wade Jr., Debtor

**Proof of Service**

I, Fan Wen, certify that I am over the age of 18 and that my business address is at 1296 Kifer Road, Suite 606, Sunnyvale, CA 94086. On or before the date shown below, I deposited in the U.S. Mail, first class postage prepaid, copies of the foregoing pleading and addressed to the following:

David Hamerslough  
Rossi Hamerslough Reisch & Chuck  
1980 The Alameda Suite 200  
San Jose, CA 95126

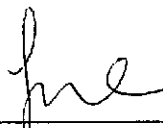
Stephanie Oaks  
Hoge Fenton Jones & Appel Inc.  
60 South Market Street #1400  
San Jose, CA 95113

Mlnarik Law Group Inc.  
2930 Bowers Avenue  
Santa Clara, CA 95051

William Healy  
Campeau Goodsell Smith  
400 North First Street #100  
San Jose, CA

Christopher McDermot  
Casey O'Connell  
Pite Duncan, LLP  
4375 Jutland Drive, Suite200  
PO Box 17933  
San Diego, CA 92177-0933

July 29, 2014

  
\_\_\_\_\_  
Fan Wen

**DebtEd, REOPENED, APPEAL, FilingFeeDue, CONVERTED**

**U.S. Bankruptcy Court  
Northern District of California (San Jose)  
Bankruptcy Petition #: 13-50376  
Internal Use Only**

Assigned to: Judge Stephen L. Johnson  
Chapter 7  
Previous chapter 11  
Voluntary  
Asset

Date filed: 01/22/2013  
Date converted: 07/14/2014  
Date reopened: 02/21/2013  
341 meeting: 08/05/2014  
Deadline for filing claims: 11/03/2014  
Deadline for objecting to discharge: 10/06/2014  
Deadline for financial mgmt. course: 08/28/2014

**Debtor**

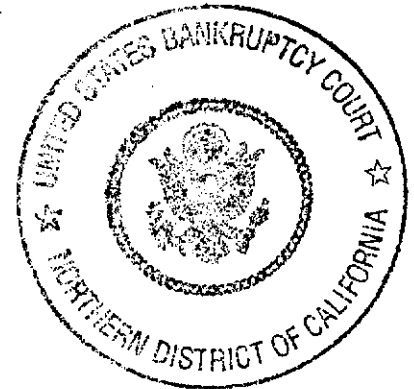
**Booker Theodore Wade, Jr.**  
605 Forest Avenue  
Palo Alto, CA 94301  
SANTA CLARA-CA  
SSN / ITIN: 3897

represented by **Booker Theodore Wade, Jr.**  
PRO SE

**Trustee**

**Fred Hjelmset**  
P.O.Box 4188  
Mountain View, CA 94040  
(650)386-5634

UNITED STATES BANKRUPTCY COURT  
Northern District of California  
I certify that this is a true, correct and full copy  
of the original document on file in my custody.  
Dated 7/30/14  
by Lupe Barron  
Deputy Clerk

**U.S. Trustee**

**Office of the U.S. Trustee / SJ**  
U.S. Federal Bldg.  
280 S 1st St. #268  
San Jose, CA 95113-3004  
( )

represented by **John S. Wesolowski**

Office of the United States Trustee  
280 S 1st St. #268  
San Jose, CA 95113-0002  
(408)535-5525  
Email: [john.wesolowski@usdoj.gov](mailto:john.wesolowski@usdoj.gov)

Filing Date	#	Docket Text
01/22/2013	<u>1</u>	Chapter 11 Voluntary Petition, Fee Amount \$303.25, Filed by Booker Theodore Wade Jr.. Order Meeting of Creditors due by 1/29/2013. Incomplete Filings due by 2/5/2013. (lub). CORRECTIVE ENTRY: COURT REMOVED SECTION 521 DEADLINE FROM DOCKET TEXT. Modified on 1/23/2013 (kd). (Entered: 01/22/2013)



**DebtEd, REOPENED, APPEAL, FilingFeeDue, CONVERTED**

**U.S. Bankruptcy Court  
Northern District of California (San Jose)  
Bankruptcy Petition #: 13-50376  
Internal Use Only**

*Assigned to:* Judge Stephen L. Johnson  
Chapter 7  
Previous chapter 11  
Voluntary  
Asset

*Date filed:* 01/22/2013  
*Date converted:* 07/14/2014  
*Date reopened:* 02/21/2013  
*341 meeting:* 08/05/2014  
*Deadline for filing claims:* 11/03/2014  
*Deadline for objecting to discharge:* 10/06/2014  
*Deadline for financial mgmt. course:* 08/28/2014

**Debtor**

**Booker Theodore Wade, Jr.**  
605 Forest Avenue  
Palo Alto, CA 94301  
SANTA CLARA-CA  
SSN / ITIN: -3897

represented by **Booker Theodore Wade, Jr.**  
PRO SE

**Trustee**

**Fred Hjelmset**  
P.O.Box 4188  
Mountain View, CA 94040  
(650)386-5634

**U.S. Trustee**

**Office of the U.S. Trustee / SJ**  
U.S. Federal Bldg.  
280 S 1st St. #268  
San Jose, CA 95113-3004  
( )

represented by **John S. Wesolowski**  
Office of the United States Trustee  
280 S 1st St. #268  
San Jose, CA 95113-0002  
(408)535-5525  
Email: [john.wesolowski@usdoj.gov](mailto:john.wesolowski@usdoj.gov)

Filing Date	#	Docket Text
01/22/2013	<u>1</u>	Chapter 11 Voluntary Petition, Fee Amount \$303.25, Filed by Booker Theodore Wade Jr.. Order Meeting of Creditors due by 1/29/2013. Incomplete Filings due by 2/5/2013. (lub). CORRECTIVE ENTRY: COURT REMOVED SECTION 521 DEADLINE FROM DOCKET TEXT. Modified on 1/23/2013 (kd). (Entered: 01/22/2013)

01/22/2013	●	First Meeting of Creditors with 341(a) meeting to be held on 02/27/2013 at 09:30 AM at San Jose Room 268. Last Day to Determine Dischargeability of Certain Debts due by 04/29/2013. Proof of Claim due by 05/28/2013. (lub) (Entered: 01/22/2013)
01/22/2013	● <u>2</u>	Statement of Social Security Number. Filed by Debtor Booker Theodore Wade Jr. (lub) (Entered: 01/22/2013)
01/22/2013	● <u>3</u>	Certificate of Credit Counseling Filed by Debtor Booker Theodore Wade Jr. (lub) (Entered: 01/22/2013)
01/22/2013	● <u>4</u>	Application to Pay Filing Fee in Installments Filed by Debtor Booker Theodore Wade Jr. (lub) (Entered: 01/22/2013)
01/22/2013	● <u>5</u>	Order Granting Application To Pay Filing Fees In Installments. (Related Doc # <u>4</u> ). Second Installment Payment due by 2/21/2013. Final Installment Payment due by 3/25/2013. (lub) (Entered: 01/22/2013)
01/22/2013	●	Receipt of Installment Filing Fee for Chapter 11 Voluntary Petition. Amount 303.25 from Booker Theodore Wade, Jr.. Receipt Number 50087495. (admin) (Entered: 01/22/2013)
01/23/2013	● <u>6</u>	Notice of Chapter 11 Bankruptcy Case, Meeting of Creditors, and Deadlines (Generated) (kd) (Entered: 01/23/2013)
01/23/2013	● <u>7</u>	Order To File Required Documents and Notice Regarding Dismissal (kd) (Entered: 01/23/2013)
01/23/2013	● <u>8</u>	Order for Payment of State and Federal Taxes (kd) (Entered: 01/23/2013)
01/23/2013	● <u>9</u>	Notice of <b>Status Conference scheduled for 3/7/2013 at 10:00 AM at San Jose Courtroom 3099 - Johnson.</b> (kd) (Entered: 01/23/2013)
01/24/2013	● <u>10</u>	BNC Certificate of Mailing - Order for Payment of Filing Fees in Installments . (RE: related document(s) <u>5</u> Order on Application to Pay Filing Fees in Installments). Notice Date 01/24/2013. (Admin.) (Entered: 01/24/2013)
01/25/2013	● <u>11</u>	BNC Certificate of Mailing - Meeting of Creditors. (RE: related document(s) <u>6</u> Generate 341 Notices). Notice Date 01/25/2013. (Admin.) (Entered: 01/25/2013)

01/25/2013	● <u>12</u>	BNC Certificate of Mailing - Payment of State and Fed Taxes. (RE: related document(s) <u>8</u> Order for Payment of State and Federal Taxes). Notice Date 01/25/2013. (Admin.) (Entered: 01/25/2013)
01/25/2013	● <u>13</u>	BNC Certificate of Mailing (RE: related document(s) <u>7</u> Order to File Missing Documents). Notice Date 01/25/2013. (Admin.) (Entered: 01/25/2013)
01/25/2013	● <u>14</u>	BNC Certificate of Mailing - Notice of Status Conference in Ch 11. (RE: related document(s) <u>9</u> Notice of Status Conference). Notice Date 01/25/2013. (Admin.) (Entered: 01/25/2013)
01/28/2013	● <u>15</u>	Request for Notice Filed by Creditor The Mlnarik Law Group, Inc. (Mlnarik, John) (Entered: 01/28/2013)
01/31/2013	● <u>16</u>	Notice of Appearance and Request for Notice . Filed by Creditor Hoge. Fenton. Jones & Appel. Inc. (kd) (Entered: 02/01/2013)
02/04/2013	● <u>17</u>	Motion to Extend Time Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 02/04/2013)
02/05/2013	● <u>18</u>	Supplement to Debtor's Motion for Entry of Order Granting Extension of Time to File Schedules of Assets and Liability and Statement of Financial Affairs. (RE: related document(s) <u>17</u> Motion to Extend Time). Filed by Debtor Booker Theodore Wade Jr. (yw) (Entered: 02/06/2013)
02/06/2013	● <u>19</u>	Creditor's Objection Re (RE: related document(s) <u>17</u> Motion to Extend Time). Filed by Creditor Hoge. Fenton. Jones & Appel. Inc. (kd) (Entered: 02/07/2013)
02/06/2013	● <u>20</u>	Declaration of Attorney Stephanie O. Sparks in support of (RE: related document(s) <u>19</u> Objection). Filed by Creditor Hoge. Fenton. Jones & Appel. Inc. (kd) (Entered: 02/07/2013)
02/07/2013	● <u>21</u>	Order Granting Motion to Extend Time (Related Doc # <u>17</u> ) Incomplete Filings due by 2/19/2013 for <u>1</u> . (kd) (Entered: 02/07/2013)
02/07/2013	● <u>22</u>	Certificate of Service (RE: related document(s) <u>19</u> Objection). Filed by Creditor Hoge. Fenton. Jones & Appel. Inc. (kd) (Entered: 02/08/2013)
02/09/2013	● <u>23</u>	BNC Certificate of Mailing (RE: related document(s) <u>21</u> Order on

		Motion to Extend Time). Notice Date 02/09/2013. (Admin.) (Entered: 02/09/2013)
02/19/2013	● <u>25</u>	Debtor's Notice of Filing List of 20 Largest Unsecured Creditors , Summary of Schedules , Statistical Summary of Certain Liabilities., Schedules A - J , Statement of Financial Affairs , Chapter 11 Statement of Current Monthly Income (Form 22B) Filed by Debtor Booker Theodore Wade Jr. (Attachments: # <u>1</u> Document# <u>2</u> Document# <u>3</u> Document) (kn) (Entered: 02/20/2013)
02/20/2013	● <u>24</u>	Order and Notice of Dismissal for Failure to Comply (RE: related document(s) <u>7</u> Order to File Missing Documents). (kd) (Entered: 02/20/2013)
02/20/2013	●	Bankruptcy Case Closed. (kd) (Entered: 02/20/2013)
02/21/2013	● <u>26</u>	Order Vacating Order, Order to Reopen Case (RE: related document(s) <u>24</u> Order and Notice of Dismissal for Failure to Comply). (kd) (Entered: 02/22/2013)
02/22/2013	● <u>27</u>	BNC Certificate of Mailing - Order and Notice of Dismissal for Failure to Comply. (RE: related document(s) <u>24</u> Order and Notice of Dismissal for Failure to Comply). Notice Date 02/22/2013. (Admin.) (Entered: 02/22/2013)
02/24/2013	● <u>28</u>	BNC Certificate of Mailing - Electronic Order (RE: related document(s) <u>26</u> Order Vacating Order). Notice Date 02/24/2013. (Admin.) (Entered: 02/24/2013)
02/28/2013	●	Meeting of Creditors Held. <i>Track # 1, 341 MOC 2/27/13. Appearances by Booker Wade, Gina Anderson, Jenn Protas and Alison Ara (all representing Hoge Fenton). Meeting concluded..</i> (Wesolowski, John) (Entered: 02/28/2013)
03/01/2013	●	Receipt of Installment Filing Fee for Chapter 11 Voluntary Petition. Amount 455.50 from Booker Theodore Wade Jr. Receipt Number 50087879. (admin) (Entered: 03/01/2013)
03/07/2013	●	Hearing Continued (related document(s): <u>2</u> Notice of Status Conference) <b>Hearing scheduled for 04/04/2013 at 10:00 AM at San Jose Courtroom 3099 - Johnson.</b> No appearance by debtor or request for continuance, the court will issue an OSC re dismissal or conversion for 4/4/13 at 10:00 am. (tb ) (Entered: 03/07/2013)

03/07/2013	● <u>29</u>	Order to Appear and Show Cause (RE: related document(s) <u>9</u> Notice of Status Conference). <b>Show Cause hearing scheduled for 4/4/2013 at 10:00 AM at San Jose Courtroom 3099 - Johnson.</b> (kd) (Entered: 03/07/2013)
03/07/2013		(private) Judge's Deadlines Updated (RE: related document(s) <u>29</u> Order to Show Cause). Response due by 3/27/2013. (kd) (Entered: 03/07/2013)
03/09/2013	● <u>30</u>	BNC Certificate of Mailing (RE: related document(s) <u>29</u> Order to Show Cause). Notice Date 03/09/2013. (Admin.) (Entered: 03/09/2013)
03/18/2013	● <u>31</u>	Request for Notice Filed by Interested Party Rossi Hamerslough Reischl & Chuck (Attachments: # <u>1</u> Certificate of Service) (Smith, Wendy) (Entered: 03/18/2013)
03/20/2013	● <u>32</u>	Notice of filing of amended schedules C and J, Amended Schedule C, Amended Schedule J , Certificate of Service Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 03/20/2013)
03/20/2013	●	Receipt of Installment Filing Fee for Chapter 11 Voluntary Petition. Amount 454.33 from Booker Theodore Wade, Jr.. Receipt Number 50088069. (admin) (Entered: 03/20/2013)
03/21/2013	● <u>33</u>	Objection to Debtor's Claim of Exemptions Filed by Creditor Arlene D Stevens (Gravink, Eric) (Entered: 03/21/2013)
03/21/2013	● <u>34</u>	Objection to Debtor's Claim of Exemptions Filed by Interested Party Rossi Hamerslough Reischl & Chuck (Attachments: # <u>1</u> Certificate of Service) (Smith, Wendy) (Entered: 03/21/2013)
03/21/2013	● <u>35</u>	Operating Report for Filing Period 2/28/2013 Filed by Debtor Booker Theodore Wade Jr. ENTRY: PAGE 4 APPEARS TO BE BLANK. (kd) (Entered: 03/22/2013)
03/25/2013	● <u>36</u>	Status Conference Statement (RE: related document(s) <u>9</u> Notice of Status Conference). Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 03/26/2013)
03/25/2013	● <u>37</u>	Response (RE: related document(s) <u>29</u> Order to Show Cause, Update Judge Deadlines (Bk)). Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 03/26/2013)

03/26/2013		(private) Deadlines terminated. Installments Paid. (kd) (Entered: 03/26/2013)
03/26/2013		(private) Flags Set-Reset . Installment Flag Removed. (kd) (Entered: 03/26/2013)
04/01/2013	● <u>38</u>	Notice of Filing of Supplement Re (RE: related document(s) <u>35</u> Operating Report for Filing Period 2/28/2013 Filed by Debtor Booker Theodore Wade Jr. ENTRY: PAGE 4 APPEARS TO BE BLANK.). Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 04/01/2013)
04/04/2013	●	Hearing Continued re:(related document(s): <u>9</u> Notice of Status Conference) <b>Hearing scheduled for 06/07/2013 at 10:00 AM at San Jose Courtroom 3099 - Johnson.</b> (tb ) Modified on 4/5/2013 to correct type of hearing. (tb). (Entered: 04/04/2013)
04/04/2013	●	Hearing Held (related document(s): <u>29</u> Order to Show Cause) Discharged and off calendar.(tb ) (Entered: 04/04/2013)
04/05/2013		(private) Deadlines terminated. Show Cause Hearing. (kd) (Entered: 04/05/2013)
04/05/2013	● <u>39</u>	Order Discharging Order To Show Cause (RE: related document(s) <u>29</u> Order to Show Cause). (kd) (Entered: 04/08/2013)
04/10/2013	● <u>40</u>	BNC Certificate of Mailing (RE: related document(s) <u>39</u> Order). Notice Date 04/10/2013. (Admin.) (Entered: 04/10/2013)
04/11/2013	● <u>41</u>	Order After Status Conference (RE: related document(s) <u>9</u> Notice of Status Conference). <b>Hearing scheduled for 6/7/2013 at 10:00 AM at San Jose Courtroom 3099 - Johnson.</b> (kd) (Entered: 04/11/2013)
04/13/2013	● <u>42</u>	BNC Certificate of Mailing (RE: related document(s) <u>41</u> Order To Set Hearing). Notice Date 04/13/2013. (Admin.) (Entered: 04/13/2013)
04/22/2013	● <u>43</u>	Operating Report for Filing Period March 2013 Filed by Debtor Booker Theodore Wade Jr. (dmf) (Entered: 04/23/2013)
05/02/2013	● <u>44</u>	Request for Notice <i>with Certificate of Service</i> Filed by Creditor Wells Fargo Bank, N.A., not in its individual capacity, but solely as Trustee for RMAC Pass-Through Trust, Series 2010-A (Clark,



		Matthew) (Entered: 05/02/2013)
05/20/2013	● <u>45</u>	Monthly Operating Report for Filing Period April 2013 Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 05/20/2013)
05/21/2013	● <u>46</u>	Notice of Appearance and Request for Notice by Allison R. Ara. Filed by Creditor Hoge. Fenton. Jones & Appel. Inc. (Ara, Allison) (Entered: 05/21/2013)
05/22/2013	● <u>47</u>	Certificate of Service to <i>Booker T. Wade, Jr.</i> Filed by Creditor Hoge. Fenton. Jones & Appel. Inc. (Attachments: # <u>1</u> Notice of Appearance and Request for Special Notice # <u>2</u> Proof of Claim # <u>3</u> Exhibit A to Proof of Claim # <u>4</u> Exhibit B to Proof of Claim) (Ara, Allison) (Entered: 05/22/2013)
05/28/2013	● <u>48</u>	PROOF OF CLAIM Filed by Interested Party Rossi Hamerslough Reischl & Chuck (Attachments: # <u>1</u> Exhibit Attachment to Proof of Claim # <u>2</u> Affidavit Proof of Claim # <u>3</u> Exhibit Exhibit A to Attachment to Proof of Claim) (Gravink, Eric). <b>ERROR: INCORRECT EVENT SELECTED. CORRECTIVE ENTRY: COURT MODIFIED DOCKET TEXT FROM AFFIDAVIT TO PROOF OF CLAIM TO REFLECT PDF.</b> Modified on 5/29/2013 (kd). (Entered: 05/28/2013)
05/29/2013	● <u>49</u>	Revised Certificate of Service (RE: related document(s) <u>45</u> Operating Report). Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 05/29/2013)
05/29/2013	● <u>50</u>	First Amended <i>Proof of Claim</i> . Filed by Interested Party Rossi Hamerslough Reischl & Chuck (Attachments: # <u>1</u> Proof of Claim # <u>2</u> Exhibit Attachment-Proof of Claim # <u>3</u> Exhibit Exhibit A-Proof of Claim) (Gravink, Eric). <b>ERROR: INCORRECT EVENT SELECTED. AMENDED PROOF OF CLAIM SHOULD HAVE BEEN SELECTED. CORRECTIVE ENTRY: COURT MODIFIED DOCKET TEXT FROM FIRST AMENDED DOCUMENT TO FIRST AMENDED PROOF OF CLAIM.</b> Modified on 5/30/2013 (kd). (Entered: 05/29/2013)
05/31/2013	● <u>51</u>	Status Conference Statement , Certificate of Service (RE: related document(s) <u>9</u> Notice of Status Conference). Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 05/31/2013)
06/06/2013	● <u>52</u>	Motion to Reject Executory Contract , Certificate of Service Filed

		by Debtor Booker Theodore Wade Jr. (Attachments: # <u>1</u> Main document continued # <u>2</u> Main document continued # <u>3</u> Main document continued # <u>4</u> Main document continued) (kd) (Entered: 06/07/2013)
06/06/2013	● <u>53</u>	Notice of Hearing , Certificate of Service (RE: related document(s) <u>52</u> Motion to Reject Executory Contract , Certificate of Service Filed by Debtor Booker Theodore Wade Jr. (Attachments: # 1 Main document continued # 2 Main document continued # 3 Main document continued # 4 Main document continued) (kd)). <b>Hearing scheduled for 8/21/2013 at 02:00 PM at San Jose Courtroom 3099 - Johnson.</b> Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 06/07/2013)
06/07/2013	●	Hearing Continued (related document(s): <u>9</u> Notice of Status Conference) <b>Hearing scheduled for 09/05/2013 at 10:00 AM at San Jose Courtroom 3099 - Johnson.</b> The court will issue a scheduling order: debtor to file a Plan and Disclosure Statement by 8/16/13 and have a Plan confirmed by 11/7/13 or the case will be converted to a chapter 7; the court does not grant debtor's request to extend the exclusivity period, as requested in debtor's status statement, debtor needs to set the matter on court's calendar on a separate motion.(tb ) (Entered: 06/10/2013)
06/10/2013	● <u>54</u>	Order After Status Conference. Disclosure statement and plan of reorganization file by August 16, 2013, plan confirmation by November 7, 2013. (RE: related document(s) <u>9</u> Notice of Status Conference). <b>Hearing scheduled for 9/5/2013 at 10:00 AM San Jose Courtroom 3099 - Johnson for <u>9</u> .</b> (kd) (Entered: 06/10/2013)
06/12/2013	● <u>55</u>	BNC Certificate of Mailing (RE: related document(s) <u>54</u> Order to Continued Hearing). Notice Date 06/12/2013. (Admin.) (Entered: 06/12/2013)
06/19/2013	● <u>56</u>	<del>Revised and Amended</del> Notice of Hearing, Certificate of Service (RE: related document(s) <u>52</u> Motion to Reject Executory Contract , Certificate of Service Filed by Debtor Booker Theodore Wade Jr. (Attachments: # 1 Main document continued # 2 Main document continued # 3 Main document continued # 4 Main document continued) (kd)). <b>Hearing scheduled for 7/24/2013 at 02:00 PM San Jose Courtroom 3099 - Johnson for <u>52</u> .</b> Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 06/19/2013)



06/19/2013	● <u>57</u>	Revised Proof of Service (RE: related document(s) <u>52</u> Motion to Reject Lease or Executory Contract, <u>53</u> Notice of Hearing). Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 06/19/2013)
06/21/2013	● <u>58</u>	Operating Report for Filing Period 5/31/13 Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 06/21/2013)
07/09/2013	● <u>59</u>	Motion for Relief from Stay RS #DMH-001, Fee Amount \$176, Filed by ARLENE STEVENS (Attachments: # <u>1</u> Memorandum of Points and Authorities Motion for Relief from Stay # <u>2</u> RS Cover Sheet # <u>3</u> Certificate of Service # <u>4</u> Declaration # <u>5</u> Declaration # <u>6</u> Exhibit # <u>7</u> Exhibit # <u>8</u> Exhibit # <u>9</u> Exhibit # <u>10</u> Exhibit # <u>11</u> Exhibit # <u>12</u> Exhibit # <u>13</u> Exhibit # <u>14</u> Exhibit # <u>15</u> Exhibit) (Gravink, Eric). CORRECTIVE ENTRY: COURT MODIFIED PARTY FILER TO REFLECT PDF. Modified on 7/10/2013 (kd). (Entered: 07/09/2013)
07/09/2013		Receipt of filing fee for Motion for Relief From Stay(13-50376) [motion,mrlfsty] ( 176.00). Receipt number 20343367, amount \$ 176.00 (re: Doc# <u>59</u> Motion for Relief from Stay RS #DMH-001, Fee Amount \$176,) (U.S. Treasury) (Entered: 07/09/2013)
07/09/2013	● <u>60</u>	Notice of Hearing <i>on Motion for Relief from Stay</i> (RE: related document(s) <u>59</u> Motion for Relief from Stay RS #DMH-001, Fee Amount \$176, Filed by ARLENE STEVENS (Attachments: # <u>1</u> Memorandum of Points and Authorities Motion for Relief from Stay # <u>2</u> RS Cover Sheet # <u>3</u> Certificate of Service # <u>4</u> Declaration # <u>5</u> Declaration # <u>6</u> Exhibit # <u>7</u> Exhibit # <u>8</u> Exhibit # <u>9</u> Exhibit # <u>10</u> Exhibit # <u>11</u> Exhibit # <u>12</u> Exhibit # <u>13</u> Exhibit # <u>14</u> Exhibit # <u>15</u> Exhibit)). <b>Hearing scheduled for 7/23/2013 at 10:00 AM at San Jose Courtroom 3099 - Johnson.</b> Filed by Interested Party Rossi Hamerslough Reischl & Chuck (Gravink, Eric). CORRECTIVE ENTRY: COURT MODIFIED PARTY FILER TO REFLECT PDF. Modified on 7/10/2013 (kd). (Entered: 07/09/2013)
07/10/2013	● <u>61</u>	Objection <i>To Motion to Reject Executory Contract</i> (RE: related document(s) <u>52</u> Motion to Reject Lease or Executory Contract). Filed by Creditor Arlene D Stevens (Attachments: # <u>1</u> Certificate of Service) (Gravink, Eric) (Entered: 07/10/2013)
07/10/2013	● <u>62</u>	Brief/Memorandum in Opposition to (RE: related document(s) <u>52</u> Motion to Reject Lease or Executory Contract). Filed by Interested Party Campeau Goodsell Smith, a Law Corporation (Attachments:

		# <u>1</u> Declaration # <u>2</u> Exhibit A to Declaration # <u>3</u> Exhibit B to Declaration # <u>4</u> Exhibit C to Declaration # <u>5</u> Certificate of Service) (Healy, William) (Entered: 07/10/2013)
07/22/2013	● <u>63</u>	Response , Certificate of Service (RE: related document(s) <u>61</u> Objection). Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 07/23/2013)
07/22/2013	● <u>64</u>	Opposition to , Declaration of Booker T. Wade Jr. , Certificate of Service (RE: related document(s) <u>59</u> Motion for Relief From Stay). Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 07/23/2013)
07/23/2013	●	Hearing Continued (related document(s): <u>59</u> Motion for Relief From Stay filed by Arlene D Stevens) <b>Hearing scheduled for 07/24/2013 at 01:30 PM at San Jose Courtroom 3099 - Johnson.</b> (tb ) (Entered: 07/23/2013)
07/24/2013	●	Hearing Held (related document(s): <u>52</u> Motion to Reject Lease or Executory Contract filed by Booker Theodore Wade, <u>59</u> Motion for Relief From Stay filed by Arlene D Stevens) The matters were called at 1:30 PM. The matters are taken under submission. The court will issue a written decision. (arosalesslj) (Entered: 07/25/2013)
08/02/2013	● <u>65</u>	Monthly Operating Report for Filing Period 06/30/13 Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 08/06/2013)
08/07/2013	● <u>66</u>	Ex Parte Motion to Vacate , Certificate of Service (RE: related document(s) <u>54</u> Order to Continued Hearing) . Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 08/07/2013)
08/12/2013	● <u>67</u>	Ex Parte Motion to Vacate , Certificate of Service (RE: related document(s) <u>54</u> Order to Continued Hearing) . Filed by Debtor Booker Theodore Wade Jr. ENTRY: DOCUMENT APPEARS TO DUPLICATE DOCUMENT <u>66</u> . (kd) (Entered: 08/12/2013)
08/12/2013	● <u>68</u>	Revised Certificate of Service (RE: related document(s) <u>67</u> Motion to Vacate). Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 08/12/2013)
08/23/2013	● <u>69</u>	Request for Notice Filed by Interested Party Rossi Hamerslough Reischl & Chuck (Attachments: # <u>1</u> Certificate of Service) (Rome-Banks, Julie) (Entered: 08/23/2013)

08/26/2013	● <u>70</u>	Monthly Operating Report for Filing Period 07/31/13 Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 08/26/2013)
09/03/2013	● <u>71</u>	Order To Continue Hearing (RE: related document(s) <u>9</u> Notice of Status Conference). <b>Hearing scheduled for 10/3/2013 at 10:00 AM San Jose Courtroom 3099 - Johnson for <u>9</u></b> . (kd) (Entered: 09/03/2013)
09/03/2013	● <u>72</u>	Debtor's Ex Parte Motion to Deny Without Prejudice Motion for Relief From Stay, Declaration, Certificate of Service Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 09/03/2013)
09/05/2013	● <u>73</u>	Order Denying Motion To Reject Lease or Executory Contract (Related Doc # <u>52</u> ), Granting Motion for Relief From Stay (Related Doc # <u>59</u> ) (yw) (Entered: 09/05/2013)
09/05/2013	● <u>74</u>	BNC Certificate of Mailing (RE: related document(s) <u>71</u> Order to Continued Hearing). Notice Date 09/05/2013. (Admin.) (Entered: 09/05/2013)
09/07/2013	● <u>75</u>	BNC Certificate of Mailing (RE: related document(s) <u>73</u> Order on Motion to Reject Lease or Executory Contract). Notice Date 09/07/2013. (Admin.) (Entered: 09/07/2013)
09/12/2013	● <u>76</u>	Order <b>**Denying**</b> Motion for Miscellaneous Relief(Related Doc # <u>72</u> ) (kd) (Entered: 09/12/2013)
09/14/2013	● <u>77</u>	BNC Certificate of Mailing (RE: related document(s) <u>76</u> Order on Motion for Miscellaneous Relief). Notice Date 09/14/2013. (Admin.) (Entered: 09/14/2013)
09/18/2013	● <u>78</u>	Request for Notice Filed by Creditor Miller Starr Regalia (Shepard, William) (Entered: 09/18/2013)
09/27/2013	● <u>79</u>	Status Conference Statement , Certificate of Service (RE: related document(s) <u>9</u> Notice of Status Conference). Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 09/27/2013)
10/03/2013	●	Hearing Continued (related document(s): <u>9</u> Notice of Status Conference) <b>Hearing scheduled for 01/09/2014 at 10:00 AM at San Jose Courtroom 3099 - Johnson.</b> (tb ) (Entered: 10/03/2013)
10/08/2013	● <u>80</u>	Motion for Relief from Stay RS #APN-2344, Fee Amount \$176, Filed by Creditor Forest Villa Homeowners Association

		(Attachments: # <u>1</u> Declaration # <u>2</u> Exhibit # <u>3</u> RS Cover Sheet # <u>4</u> Certificate of Service) (Nagel, Austin) (Entered: 10/08/2013)
10/08/2013	● <u>81</u>	Notice of Hearing (RE: related document(s) <u>80</u> Motion for Relief from Stay RS #APN-2344, Fee Amount \$176, Filed by Creditor Forest Villa Homeowners Association (Attachments: # <u>1</u> Declaration # <u>2</u> Exhibit # <u>3</u> RS Cover Sheet # <u>4</u> Certificate of Service)). <b>Hearing scheduled for 10/29/2013 at 10:00 AM at San Jose Courtroom 3099 - Johnson.</b> Filed by Creditor Forest Villa Homeowners Association (Nagel, Austin) (Entered: 10/08/2013)
10/08/2013		Receipt of filing fee for Motion for Relief From Stay(13-50376) [motion,mrlfsty] ( 176.00). Receipt number 21026124, amount \$ 176.00 (re: Doc# <u>80</u> Motion for Relief from Stay RS #APN-2344, Fee Amount \$176,) (U.S. Treasury) (Entered: 10/08/2013)
10/25/2013	● <u>82</u>	Monthly Operating Report for Filing Period 08/31/13 Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 10/28/2013)
10/25/2013	● <u>83</u>	Monthly Operating Report for Filing Period 09/30/13 Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 10/28/2013)
10/28/2013	● <u>84</u>	Response , Certificate of Service (RE: related document(s) <u>80</u> Motion for Relief From Stay). Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 10/28/2013)
10/29/2013	●	Hearing Held (related document(s): <u>80</u> Motion for Relief From Stay filed by Forest Villa Homeowners Association) (Austin Nagel appeared for the movant. Debtor appeared in pro se.) The debtor is required to make monthly payments of \$500.00 plus 1/3rd of the arrears within the 15 days of the grace period, until the debtor is caught up. Payments are due on the 1st and late on the 15th. There shall be a 10 day notice to cure. If not cured, the movant may upload an order reflecting the delinquent amount and ask for relief. Three strikes provision on the default. The movant may prepare an order and have the debtor sign off. If the order is not signed off, the matter may restored to the calendar. (arosalesslj) (Entered: 10/29/2013)
11/27/2013	● <u>85</u>	Monthly Operating Report for Filing Period 10/31/13 Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 12/02/2013)
12/31/2013	● <u>86</u>	Monthly Operating Report for Filing Period 11/30/13 Filed by

		Debtor Booker Theodore Wade Jr. (kd) (Entered: 12/31/2013)
12/31/2013	● <u>87</u>	Ex Parte Application to Continue Status Conference and Status Conference Statement (RE: related document(s) <u>9</u> Notice of Status Conference) . Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 12/31/2013)
01/06/2014	● <u>88</u>	Order <b>**Denying**</b> Motion To Continue/Reschedule Hearing On (Related Doc # <u>87</u> ) (kd) (Entered: 01/07/2014)
01/08/2014	● <u>89</u>	Status Conference Statement (RE: related document(s) Hearing Continued/Rescheduled). Filed by Interested Party Campeau Goodsell Smith, a Law Corporation (Healy, William) (Entered: 01/08/2014)
01/09/2014	● <u>90</u>	BNC Certificate of Mailing (RE: related document(s) <u>88</u> Order on Motion to Continue/Reschedule Hearing). Notice Date 01/09/2014. (Admin.) (Entered: 01/09/2014)
01/09/2014	●	Hearing Continued (related document(s): <u>9</u> Notice of Status Conference) <b>Hearing scheduled for 04/03/2014 at 01:30 PM at San Jose Courtroom 3099 - Johnson.</b> Debtor to file a Plan/Disclosure statement by 3/7/2014 for a hearing on 4/3/2014 at 1:30 PM (court shortens time) objections due NLT 3/26/14 to be confirmed by 7/3/2014. (tb ) (Entered: 01/14/2014)
01/14/2014	● <u>91</u>	Order After Status Conference And Setting Deadlines (RE: related document(s) <u>9</u> Notice of Status Conference). <b>Status Conference scheduled for 4/3/2014 at 01:30 PM at San Jose Courtroom 3099 - Johnson.</b> (kd) (Entered: 01/14/2014)
01/14/2014		(private) Plan or Disclosure Statement Deadline Updated (RE: related document(s) <u>91</u> Order To Set Hearing). Chapter 11 Plan due by 3/7/2014. (kd) (Entered: 01/14/2014)
01/16/2014	● <u>92</u>	BNC Certificate of Mailing (RE: related document(s) <u>91</u> Order To Set Hearing). Notice Date 01/16/2014. (Admin.) (Entered: 01/16/2014)
01/29/2014	● <u>93</u>	Monthly Operating Report for Filing Period 12/31/13 Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 01/30/2014)
03/03/2014	● <u>94</u>	Monthly Operating Report for Filing Period 01/31/14 Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 03/04/2014)



03/07/2014	● <u>95</u>	Proposed Chapter 11 Plan of Reorganization , Disclosure Statement, Certificate of Service Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 03/10/2014)
03/07/2014	● <u>96</u>	Notice of Hearing , Certificate of Service (RE: related document(s) <u>95</u> Proposed Chapter 11 Plan of Reorganization , Disclosure Statement, Certificate of Service Filed by Debtor Booker Theodore Wade Jr. (kd)). <b>Hearing scheduled for 4/3/2014 at 01:30 PM at San Jose Courtroom 3099 - Johnson.</b> Filed by Debtor Booker Theodore Wade Jr. ERROR: INCORRECT CASE NUMBER LISTED ON PDF. (kd) (Entered: 03/10/2014)
03/24/2014	● <u>97</u>	Objection (RE: related document(s) <u>96</u> Notice of Hearing). Filed by Interested Party Campeau Goodsell Smith, a Law Corporation (Attachments: # <u>1</u> Certificate of Service) (Healy, William) (Entered: 03/24/2014)
03/24/2014	● <u>98</u>	Objection <i>by U. S. Trustee to Debtor's Combined Plan of Reorganization and Disclosure Statement (3/7/14)</i> (RE: related document(s) <u>95</u> Chapter 11 Plan, Disclosure Statement). Filed by U.S. Trustee Office of the U.S. Trustee / SJ (Attachments: # <u>1</u> Certificate of Service) (Wesolowski, John) (Entered: 03/24/2014)
03/26/2014	● <u>99</u>	Objection (RE: related document(s) <u>95</u> Chapter 11 Plan, Disclosure Statement). Filed by Creditor Hoge. Fenton. Jones & Appel. Inc. (Attachments: # <u>1</u> Certificate of Service) (Manov, Allison) (Entered: 03/26/2014)
03/26/2014	● <u>100</u>	Objection to Confirmation of Plan <i>and Disclosure Statement</i> Filed by Requestor The Mlnarik Law Group, Inc. (Erickson, Jim) (Entered: 03/26/2014)
03/26/2014	● <u>101</u>	Objection <i>to Combined Disclosure Statement and Plan of Reroganzation</i> (RE: related document(s) <u>95</u> Chapter 11 Plan, Disclosure Statement). Filed by Requestor The Mlnarik Law Group, Inc. (Attachments: # <u>1</u> Certificate of Service) (Mlnarik, John) (Entered: 03/26/2014)
03/26/2014	● <u>102</u>	Notice Regarding <i>Withdrawal of document # 101</i> Filed by Requestor The Mlnarik Law Group, Inc. (Erickson, Jim) (Entered: 03/26/2014)
03/27/2014	● <u>103</u>	Objection to Confirmation of Plan <i>and to Disclosure Statement</i> Filed by Creditor Forest Villa Homeowners Association

		(Attachments: # <u>1</u> Exhibit # <u>2</u> Certificate of Service) (Nagel, Austin) (Entered: 03/27/2014)
03/27/2014	● <u>104</u>	Objection to Debtor's Combined Plan and Disclosure Statement Filed by Creditor Arlene D Stevens (Attachments: # <u>1</u> Certificate of Service) (Gravink, Eric) (Entered: 03/27/2014)
03/31/2014	● <u>105</u>	Monthly Operating Report for Filing Period 02/28/14 Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 04/01/2014)
04/03/2014	●	Hearing Continued (related document(s): <u>9</u> Notice of Status Conference) <b>Hearing scheduled for 05/01/2014 at 01:30 PM at San Jose Courtroom 3099 - Johnson.</b> (tb ) (Entered: 04/03/2014)
04/03/2014	●	Hearing Continued (related document(s): <u>95</u> Chapter 11 Plan filed by Booker Theodore Wade) <b>Hearing scheduled for 05/01/2014 at 01:30 PM at San Jose Courtroom 3099 - Johnson.</b> Debtor to file a revised Disclosure Statement & Plan by 4/15/2014 and notice all creditors, objections filed by 4/28/2014. Debtor to file a statement as to who is a creditor. (tb ) (Entered: 04/03/2014)
04/14/2014	● <u>106</u>	Ex Parte Motion to Enlarge Time to Filed Amended Combined Plan of Reorganization and Disclosure Statement, Declaration, Certificate of Service Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 04/15/2014)
04/14/2014	● <u>107</u>	Ex Parte Application to Strike the Appearances of Counsel, Certificate of Service Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 04/15/2014)
04/15/2014	● <u>108</u>	Objection Claim No. 4 Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 04/15/2014)
04/15/2014	● <u>109</u>	Notice of Hearing (RE: related document(s) <u>108</u> Objection Claim No. 4 Filed by Debtor Booker Theodore Wade Jr. (kd)). <b>Hearing scheduled for 5/7/2014 at 02:00 PM at San Jose Courtroom 3099 - Johnson.</b> Filed by Debtor Booker Theodore Wade Jr. (kd) Additional attachment(s) added on 4/15/2014 (kd). (Entered: 04/15/2014)
04/17/2014	● <u>110</u>	Brief/Memorandum in Opposition to Debtor's Motion to Strike Appearances (RE: related document(s) <u>107</u> Motion Miscellaneous Relief). Filed by Creditor Arlene D Stevens (Gravink, Eric) (Entered: 04/17/2014)

04/18/2014	● <u>111</u>	Brief/Memorandum in Opposition to (RE: related document(s) <u>107</u> Motion Miscellaneous Relief). Filed by Interested Party Campeau Goodsell Smith, a Law Corporation (Attachments: # <u>1</u> Declaration # <u>2</u> Exhibit A to Declaration # <u>3</u> Certificate of Service) (Healy, William) (Entered: 04/18/2014)
04/22/2014	● <u>112</u>	Reply, Certificate of Service (RE: related document(s) <u>110</u> Opposition Brief/Memorandum, <u>111</u> Opposition Brief/Memorandum). Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 04/23/2014)
04/22/2014	● <u>113</u>	Proposed First Amended Chapter 11 Plan And Disclosure Statement, Certificate of Service Filed by Debtor Booker Theodore Wade Jr. (RE: related document(s) <u>95</u> Chapter 11 Plan filed by Debtor Booker Theodore Wade, Disclosure Statement). (kd) (Entered: 04/23/2014)
04/22/2014	● <u>114</u>	Request for order on notice of hearing Re (RE: related document(s) <u>113</u> Amended Chapter 11 Plan, Amended Disclosure Statement). Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 04/23/2014)
04/23/2014	● <u>115</u>	Objection <i>Secured Creditor, Forest Villa Homeowners Association's Opposition to Debtor's Objection to Its Claim</i> (RE: related document(s) <u>108</u> Objection). Filed by Creditor Forest Villa Homeowners Association (Attachments: # <u>1</u> Declaration # <u>2</u> Exhibit # <u>3</u> Certificate of Service) (Nagel, Austin) (Entered: 04/23/2014)
04/24/2014	● <u>116</u>	Notice of Appearance and Request for Notice, CERTIFICATE OF SERVICE by Brian S. Healy. Filed by Requestor Capital Access Group, Inc. (Healy, Brian). CORRECTIVE ENTRY: COURT MODIFIED DOCKET TEXT TO INCLUDE ADDITIONAL ITEM FILED. Modified on 4/24/2014 (kd). (Entered: 04/24/2014)
04/25/2014	● <u>117</u>	Objection / <i>United States Trustee's Objection to Debtor's Combined Plan of Reorganization and Disclosure Statement (4/22/14)</i> (RE: related document(s) <u>113</u> Amended Chapter 11 Plan, Amended Disclosure Statement). Filed by U.S. Trustee Office of the U.S. Trustee / SJ (Attachments: # <u>1</u> Certificate of Service) (Wesolowski, John) (Entered: 04/25/2014)
04/25/2014	● <u>118</u>	Objection , <i>Limited Objection to Debtor's Disclosure Statement</i> (RE: related document(s) <u>113</u> Amended Chapter 11 Plan, Amended



		Disclosure Statement). Filed by Creditor Wells Fargo Bank, N.A., not in its individual capacity, but solely as Trustee for RMAC Pass-Through Trust, Series 2010-A (Attachments: # <u>1</u> Exhibit A - Note # <u>2</u> Exhibit B - Deed of Trust # <u>3</u> Exhibit C - Loan Modification # <u>4</u> Proof of Service) (O'Connell, Casey) (Entered: 04/25/2014)
04/28/2014	● <u>119</u>	Objection to Confirmation of Plan <i>and to Disclosure Statement (To First Amended Plan and Disclosure Statement)</i> Filed by Creditor Forest Villa Homeowners Association (Attachments: # <u>1</u> Certificate of Service) (Nagel, Austin) (Entered: 04/28/2014)
04/28/2014	● <u>120</u>	Objection (RE: related document(s) <u>113</u> Amended Chapter 11 Plan, Amended Disclosure Statement). Filed by Interested Party Campeau Goodsell Smith, a Law Corporation (Attachments: # <u>1</u> Certificate of Service) (Healy, William) (Entered: 04/28/2014)
04/28/2014	● <u>121</u>	Opposition Amended Chapter 11 Plan <i>Objection to Debtor's Proposed First Amended Combined Plan</i> Filed by Creditor Arlene D Stevens (RE: related document(s) <u>113</u> Amended Chapter 11 Plan filed by Debtor Booker Theodore Wade, Amended Disclosure Statement). (Attachments: # <u>1</u> Exhibit) (Gravink, Eric) (Entered: 04/28/2014)
04/28/2014	● <u>122</u>	<i>Objection to First Amended Combined Plan of Reorganization and Disclosure Statement</i> Filed by Creditor Hoge. Fenton. Jones & Appel. Inc. (Attachments: # <u>1</u> Certificate of Service) (Manov, Allison) (Entered: 04/28/2014)
04/30/2014	● <u>123</u>	Objection to allowance of claim of U.S. Department of Education, Certificate of Service Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 05/01/2014)
04/30/2014	● <u>124</u>	Notice of Hearing (RE: related document(s) <u>123</u> Objection to allowance of claim of U.S. Department of Education, Certificate of Service Filed by Debtor Booker Theodore Wade Jr. (kd)). <b>Hearing scheduled for 6/4/2014 at 01:30 PM at San Jose Courtroom 3099 - Johnson.</b> Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 05/01/2014)
04/30/2014	● <u>125</u>	Monthly Operating Report for Filing Period 03/31/14 Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 05/01/2014)
05/01/2014	●	Hearing Held (related document(s): <u>9</u> Notice of Status Conference)

		No appearance by debtor, matter under submission, the court will issue an order. (tb ) (Entered: 05/02/2014)
05/01/2014	●	Hearing Held (related document(s): <u>113</u> Amended Chapter 11 Plan filed by Booker Theodore Wade) No appearance by debtor, matter under submission, the court will issue an order. (tb ) (Entered: 05/02/2014)
05/06/2014	● <u>126</u>	Motion to Compel Custodian to Turnover Property of the Estate , Certificate of Service Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 05/07/2014)
05/06/2014	● <u>127</u>	Notice of Hearing, Certificate of Service (RE: related document(s) <u>126</u> Motion to Compel Custodian to Turnover Property of the Estate , Certificate of Service Filed by Debtor Booker Theodore Wade Jr. (kd)). <b>Hearing scheduled for 6/11/2014 at 02:00 PM at San Jose Courtroom 3099 - Johnson.</b> Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 05/07/2014)
05/06/2014	● <u>128</u>	Amended Notice of Hearing (RE: related document(s) <u>123</u> Objection to allowance of claim of U.S. Department of Education, Certificate of Service Filed by Debtor Booker Theodore Wade Jr. (kd)). <b>Hearing scheduled for 6/11/2014 at 02:00 PM San Jose Courtroom 3099 - Johnson for <u>123</u>, .</b> Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 05/07/2014)
05/07/2014	● <u>129</u>	Order <b>**Denying**</b> Approval Of First Amended Disclosure Statement (RE: Related document <u>113</u> Proposed First Amended Chapter 11 Plan And Disclosure Statement) (kd) (Entered: 05/07/2014)
05/07/2014	●	Hearing Continued (related document(s): <u>108</u> Objection filed by Booker Theodore Wade) <b>Hearing scheduled for 06/25/2014 at 02:00 PM at San Jose Courtroom 3099 - Johnson.</b> If parties not able to resolve, debtor to file by 6/18/2014 a declaration and attach whatever evidence there is that a settlement exists between debtor and Forest Villa HOA so that the court knows that's a viable issue for trial. (tb ) (Entered: 05/07/2014)
05/07/2014	● <u>130</u>	Amended Notice of Hearing (RE: related document(s) <u>126</u> Motion to Compel Custodian to Turnover Property of the Estate , Certificate of Service Filed by Debtor Booker Theodore Wade Jr. (kd)). <b>Hearing scheduled for 6/11/2014 at 02:00 PM San Jose</b>

		<b>Courtroom 3099 - Johnson for 126, .</b> Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 05/09/2014)
05/19/2014	● <u>131</u>	Brief/Memorandum in Opposition to (RE: related document(s) <u>126</u> Motion to Compel). Filed by Interested Party Campeau Goodsell Smith, a Law Corporation (Attachments: # <u>1</u> Declaration # <u>2</u> Certificate of Service) (Healy, William) (Entered: 05/19/2014)
05/20/2014	● <u>132</u>	Notice of Appeal to District Court , Fee Amount \$ 0.00 **Fee Not Paid**. (RE: related document(s) <u>129</u> Order Denying Approval Of Disclosure Statement). Appellant Designation due by 6/3/2014. Transmission to District Court due by 6/19/2014. Filed by Debtor Booker Theodore Wade Jr. (kd) Additional attachment(s) added on 5/21/2014 (kd). (Entered: 05/21/2014)
05/20/2014	● <u>133</u>	Statement of Election to District Court, (RE: related document(s) <u>132</u> Notice of Appeal filed by Debtor Booker Theodore Wade). Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 05/21/2014)
05/21/2014	● <u>134</u>	Transmittal of Record on Appeal to District Court (RE: related document(s) <u>132</u> Notice of Appeal). (kd) (Entered: 05/21/2014)
05/21/2014	● <u>135</u>	Courts Certificate of Mailing. Number of notices mailed: 14 (RE: related document(s) <u>132</u> Notice of Appeal, <u>133</u> Statement of Election on Appeal, <u>134</u> Transmittal of Record on Appeal). (kd) (Entered: 05/21/2014)
05/21/2014	136	(private) <b>**COURT ENTRY**</b> Documents delivered to District Court on May 21, 2014: Notice of Appeal, Statement of Election, Transmittal Letter, Certified Docket Sheet, Order being appealed (RE: related document(s) <u>129</u> Order Denying Approval Of Disclosure Statement, <u>132</u> Notice of Appeal, <u>133</u> Statement of Election on Appeal, <u>134</u> Transmittal of Record on Appeal). (kd) (Entered: 05/21/2014)
05/22/2014	●	Receipt of Appeal Filing Fee. Amount 298.00 from Booker Theodore Wade, Jr.. Receipt Number 50091783. (admin) (Entered: 05/22/2014)
05/28/2014	● <u>137</u>	OBJECTION TO MOTION TO COMPEL TURNOVER OF PROPERTY Filed by Creditor Arlene D Stevens (Attachments: # <u>1</u> Declaration of David Hamerslough in support of Objection to Motion to Compel Turnover of Property) (Gravink, Eric). ERROR:

Case5:14-cv-03453-LHK Document11-1 Filed 07/30/14 Page28 of 46

		from Booker Theodore Wade, Jr.. Receipt Number 50091841. (admin) (Entered: 06/02/2014)
06/03/2014	● <u>144</u>	Opposition Brief/Memorandum in Opposition to <i>Motion to Withdraw Reference from State Court</i> (RE: related document(s) <u>139</u> Motion for Withdrawal of Reference). Filed by Interested Party Campeau Goodsell Smith, a Law Corporation (Attachments: # <u>1</u> Declaration Of William J. Healy # <u>2</u> Exhibit A - B # <u>3</u> Certificate of Service) (Healy, William) (Entered: 06/03/2014)
06/09/2014	● <u>146</u>	Reply , Certificate of Service (RE: related document(s) <u>131</u> Opposition Brief/Memorandum). Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 06/10/2014)
06/09/2014	● <u>147</u>	Monthly Operating Report for Filing Period 04/30/14 Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 06/10/2014)
06/09/2014	● <u>148</u>	Amended Notice of Hearing (RE: related document(s) <u>139</u> Motion for Withdrawal of Reference Fee Amount \$0.00 ** Not Paid**. Filed by Debtor Booker Theodore Wade Jr. (kd)). <b>Hearing scheduled for 7/9/2014 at 02:00 PM at San Jose Courtroom 3099 - Johnson.</b> Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 06/10/2014)
06/10/2014	● <u>145</u>	Motion to Convert Case to Chapter 7 Fee Waived, or in the alternative Motion to Dismiss Case Filed by U.S. Trustee Office of the U.S. Trustee / SJ (Attachments: # <u>1</u> Declaration of Donna Jensen # <u>2</u> Certificate of Service) (Wesolowski, John) (Entered: 06/10/2014)
06/10/2014	● <u>149</u>	Hearing Set On (RE: related document(s) <u>145</u> Motion to Convert Case to Chapter 7 Fee Waived, Motion to Dismiss Case ). <b>Hearing scheduled for 7/9/2014 at 02:00 PM at San Jose Courtroom 3099 - Johnson.</b> (kd) (Entered: 06/10/2014)
06/10/2014	● <u>150</u>	Order to Appear and Show Cause Re: Dismissal or Conversion (RE: related document(s) <u>113</u> Amended Chapter 11 Plan filed by Debtor Booker Theodore Wade, Amended Disclosure Statement). <b>Show Cause hearing scheduled for 6/25/2014 at 02:00 PM at San Jose Courtroom 3099 - Johnson.</b> Response due by 6/18/2014. (kd) (Entered: 06/11/2014)
06/11/2014	● <u>153</u>	Addendum to Reply to Objection and Opposition to Motion to Compel Custodian To Turnover property of the Estate, Certificate





		of Service (RE: related document(s) <u>131</u> Opposition Brief/Memorandum). Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 06/12/2014)
06/11/2014	● <u>154</u>	Appellant Designation of Contents For Inclusion in Record On Appeal, Certificate of Service (RE: related document(s) <u>132</u> Notice of Appeal filed by Debtor Booker Theodore Wade). Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 06/12/2014)
06/11/2014	●	Hearing Held (related document(s): <u>123</u> Objection to allowance of claim of U.S. Department of Education filed by Booker Theodore Wade) No claim on file by Department of Education or collection agency, denied without prejudice. (tb ) (Entered: 06/13/2014)
06/11/2014	●	Hearing Held (related document(s): <u>126</u> Motion to Compel Custodian to Turnover Property filed by Booker Theodore Wade) Denied without prejudice to reconsideration or further motion, the court will prepare an order denying motion for the reasons stated on the record. (tb ) (Entered: 06/13/2014)
06/12/2014	● <u>151</u>	Order **Denying** Objection (RE: related document(s) <u>123</u> Objection filed by Debtor Booker Theodore Wade). (kd) (Entered: 06/12/2014)
06/12/2014	● <u>152</u>	Order **Denying** Motion To Compel (Related Doc # <u>126</u> ) (kd) (Entered: 06/12/2014)
06/12/2014	● <u>155</u>	BNC Certificate of Mailing -Motion to Convert or Dismiss . (RE: related document(s) <u>149</u> Hearing Set). Notice Date 06/12/2014. (Admin.) (Entered: 06/12/2014)
06/13/2014	● <u>156</u>	BNC Certificate of Mailing (RE: related document(s) <u>150</u> Order to Show Cause for Dismissal). Notice Date 06/13/2014. (Admin.) (Entered: 06/13/2014)
06/16/2014	● <u>157</u>	Order Vacating Hearing On Motion To Withdraw Reference (RE: related document(s) <u>139</u> Motion for Withdrawal of Reference filed by Debtor Booker Theodore Wade). (kd) (Entered: 06/16/2014)
06/16/2014		(private) Hearing terminated per signed order on 6/16/2014. (kd) (Entered: 06/16/2014)
06/16/2014	● <u>158</u>	Order To Continue Hearing (RE: related document(s) <u>150</u> Order to Show Cause for Dismissal). 7/9/2014 at 02:00 PM San Jose

		Courtroom 3099 - Johnson for <u>150</u> , (kd) (Entered: 06/16/2014)
06/16/2014	●	Receipt of Appeal Filing Fee. Amount 298.00 from Booker Therodore Wade Jr. Receipt Number 50091967. (admin) (Entered: 06/16/2014)
06/16/2014	● <u>159</u>	Notice of Appeal to District Court , Fee Amount \$ 298.00. (RE: related document(s) <u>152</u> Order on Motion to Compel). Appellant Designation due by 6/30/2014. Transmission to District Court due by 7/16/2014. Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 06/17/2014)
06/16/2014	● <u>160</u>	Statement of Election to District Court, (RE: related document(s) <u>159</u> Notice of Appeal filed by Debtor Booker Theodore Wade). Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 06/17/2014)
06/16/2014	● <u>161</u>	Appellant Designation of Contents For Inclusion in Record On Appeal , Statement of Issues on Appeal, Certificate of Service (RE: related document(s) <u>159</u> Notice of Appeal filed by Debtor Booker Theodore Wade). Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 06/17/2014)
06/16/2014	● <u>173</u>	Ex Parte Motion for Order Declaring as Void State Court Judgment In Violation of Automatic Stay , Certificate of Service Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 06/19/2014)
06/17/2014	● <u>162</u>	Transmittal of Record on Appeal to District Court (RE: related document(s) <u>159</u> Notice of Appeal). (kd) (Entered: 06/17/2014)
06/17/2014	● <u>163</u>	Courts Certificate of Mailing. Number of notices mailed: 16 (RE: related document(s) <u>159</u> Notice of Appeal, <u>160</u> Statement of Election on Appeal, <u>161</u> Appellant Designation, Statement of Issues on Appeal). (kd) (Entered: 06/17/2014)
06/18/2014	● <u>164</u>	Response by U. S. Trustee to Order to Show Cause re Dismissal or Conversion (RE: related document(s) <u>150</u> Order to Show Cause for Dismissal). Filed by U.S. Trustee Office of the U.S. Trustee / SJ (Attachments: # <u>1</u> Certificate of Service) (Wesolowski, John) (Entered: 06/18/2014)
06/18/2014	● <u>165</u>	Statement in Response to Ex Parte Motion for Order Declaring as Void State Court Judgment Filed by Creditor Arlene D Stevens

		(Gravink, Eric). ERROR: INCORRECT EVENT SELECTED. CORRECTIVE ENTRY: COURT REMOVED MOTION ON DOCKET TEXT TO REFLECT PDF. Modified on 6/19/2014 (kd). (Entered: 06/18/2014)
06/18/2014	● <u>166</u>	Response (RE: related document(s) <u>150</u> Order to Show Cause for Dismissal, <u>158</u> Order to Continued Hearing). Filed by Interested Party Campeau Goodsell Smith, a Law Corporation (Attachments: # <u>1</u> Declaration # <u>2</u> Exhibit A to Declaration # <u>3</u> Certificate of Service) (Healy, William) (Entered: 06/18/2014)
06/18/2014	● <u>167</u>	STATEMENT OF ARLENE STEVENS <i>in Support of Conversion of Case to Chapter 7</i> Filed by Creditor Arlene D Stevens (Attachments: # <u>1</u> Declaration of David Hamerslough) (Gravink, Eric). ERROR: INCORRECT JUDGE'S INITIAL ON PDF. INCORRECT EVENT SELECTED. CORRECTIVE ENTRY: COURT MODIFIED DOCKET TEXT FROM RESPONSE TO STATEMENT OF ARLENE STEVENS IN SUPPORT OF CONVERSION PER PDF. Modified on 6/19/2014 (kd). (Entered: 06/18/2014)
06/18/2014	● <u>168</u>	BNC Certificate of Mailing (RE: related document(s) <u>157</u> Order). Notice Date 06/18/2014. (Admin.) (Entered: 06/18/2014)
06/18/2014	● <u>169</u>	BNC Certificate of Mailing (RE: related document(s) <u>158</u> Order to Continued Hearing). Notice Date 06/18/2014. (Admin.) (Entered: 06/18/2014)
06/18/2014	● <u>170</u>	Response , Certificate of Service (RE: related document(s) <u>150</u> Order to Show Cause for Dismissal). Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 06/19/2014)
06/18/2014	● <u>171</u>	Request court to permit discovery and to schedule evidentiary hearing on all disputed facts RE: claim 4-1 . Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 06/19/2014)
06/18/2014	● <u>172</u>	Notice of Docketing Record on Appeal to District Court. Case Number: CV-14-02795 (RE: related document(s) <u>159</u> Notice of Appeal). (kd) (Entered: 06/19/2014)
06/23/2014	● <u>174</u>	Monthly Operating Report for Filing Period 05/31/14 Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 06/24/2014)
06/25/2014	● <u>175</u>	Joinder (RE: related document(s) <u>145</u> Motion to Convert Case to



		Chapter 7, Motion to Dismiss Case). Filed by Interested Party Campeau Goodsell Smith, a Law Corporation (Attachments: # <u>1</u> Certificate of Service) (Healy, William) (Entered: 06/25/2014)
06/25/2014	●	Hearing Continued (related document(s): <u>108</u> Objection filed by Booker Theodore Wade) <b>Hearing scheduled for 07/30/2014 at 02:00 PM at San Jose Courtroom 3099 - Johnson.</b> (tb ) (Entered: 06/25/2014)
06/25/2014	● <u>176</u>	Ex Parte Motion For Stay Of Order And Case Pending Appeal, Certificate of Service Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 06/25/2014)
06/26/2014	● <u>177</u>	Adversary case <u>14-05061</u> . 11 (Recovery of money/property - 542 turnover of property), 71 (Injunctive relief - reinstatement of stay) Complaint by Booker T. Wade Jr. against David Hamerslough , Santa Clara County Superior Court . Fee Amount \$0.00. (Attachments: # <u>1</u> AP Cover Sheet) (myt) (Entered: 06/26/2014)
06/27/2014	● <u>178</u>	Opposition to Debtor's Ex Parte Motion For Stay Of Order And Case Pending Appeal (Re: <u>176</u> Ex Parte Motion For Stay Of Order And Case Pending Appeal) Filed by Creditor Arlene D Stevens (Gravink, Eric)ERROR: WRONG EVENT CODE SELECTED. CORRECTIVE ENTRY-1: COURT MODIFIED DOCKET TEXT TO REFLECT PDF. CORRECTIVE ENTRY-2: COURT ADDED LINKAGE TO DOCUMENT #176. Modified on 6/30/2014 (myt). (Entered: 06/27/2014)
07/01/2014	● <u>179</u>	Opposition to (RE: related document(s) <u>145</u> Motion to Convert Case to Chapter 7, Motion to Dismiss Case). Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 07/02/2014)
07/01/2014	● <u>180</u>	Motion to Avoid Judicial Lien with Hoge Fenton Jones & Appel Inc., Memorandum of Points and Authorities, Certificate of Service Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 07/02/2014)
07/01/2014	● <u>181</u>	Notice of Hearing (RE: related document(s) <u>180</u> Motion to Avoid Judicial Lien with Hoge Fenton Jones & Appel Inc., Memorandum of Points and Authorities, Certificate of Service Filed by Debtor Booker Theodore Wade Jr. (kd)). <b>Hearing scheduled for 7/30/2014 at 02:00 PM at San Jose Courtroom 3099 - Johnson.</b> Filed by Debtor Booker Theodore Wade Jr. (kd) (Entered: 07/02/2014)

07/02/2014	 <u>182</u>	Transcript regarding Hearing Held 4-3-14 RE: a) Status Conference; b) Hearing re Approval of Disclosure Statement Dated March 7, 2014 Filed by Debtor; c) Objection by Campeau Goodsell Smith, L.C.; d) Objection by United States Trustee - John Wesolowski; e) Objection by Hoge Fenton, et al - Allison Manov; f) Objection by The Mlnarik Law Group - Jim Erickson; g) Objection by Forest Villa HOA - Austin Nagel; h) Objection by Arlene Stevens - David Hamerslough. THIS TRANSCRIPT WILL BE MADE ELECTRONICALLY AVAILABLE TO THE GENERAL PUBLIC 90 DAYS AFTER THE DATE OF FILING. Until that time the transcript may be viewed at the Bankruptcy Court or a copy may be obtained from the official court transcriber <i>Jo McCall (480)361-3790</i> . Notice of Intent to Request Redaction Deadline Due By 7/9/2014. Redaction Request Due By 07/23/2014. Redacted Transcript Submission Due By 08/4/2014. Transcript access will be restricted through 09/30/2014. (McCall, Jo) (Entered: 07/02/2014)
07/02/2014	 <u>183</u>	Transcript regarding Hearing Held 6-11-14 RE: a) Motion to Compel Custodian to Turn Over Property of the Estate Filed by Debtor; b) Opposition by Campeau Goodsell Smith, L.C.; c) Objection by Arlene Stevens -David Hamerslough/Wendy Smith; d) Hearing re Objection to Allowance of Claim of U.S. Department of Education by Debtor. THIS TRANSCRIPT WILL BE MADE ELECTRONICALLY AVAILABLE TO THE GENERAL PUBLIC 90 DAYS AFTER THE DATE OF FILING. Until that time the transcript may be viewed at the Bankruptcy Court or a copy may be obtained from the official court transcriber <i>Jo McCall (480)361-3790</i> . Notice of Intent to Request Redaction Deadline Due By 7/9/2014. Redaction Request Due By 07/23/2014. Redacted Transcript Submission Due By 08/4/2014. Transcript access will be restricted through 09/30/2014. (McCall, Jo) (Entered: 07/02/2014)
07/03/2014	<u>184</u>	Appellee Designation of Contents for Inclusion in Record of Appeal (RE: related document(s) <u>159</u> Notice of Appeal filed by Debtor Booker Theodore Wade). (Attachments: # <u>1</u> Certificate of Service) Filed by Interested Party Rossi Hamerslough Reischl & Chuck (Smith, Wendy). ERROR: INCORRECT JUDGE'S INITIAL ON PDF. Modified on 7/3/2014 (kd). (Entered: 07/03/2014)
07/04/2014	<u>185</u>	BNC Certificate of Mailing (RE: related document(s) <u>182</u> Transcript Re: Appeal). Notice Date 07/04/2014. (Admin.) (Entered: 07/04/2014)

07/04/2014	● <u>186</u>	BNC Certificate of Mailing (RE: related document(s) <u>183</u> Transcript Re: Appeal). Notice Date 07/04/2014. (Admin.) (Entered: 07/04/2014)
07/09/2014	●	Hearing Held (related document(s): <u>145</u> Motion to Convert Case to Chapter 7 filed by Office of the U.S. Trustee / SJ, <u>150</u> Order to Show Cause for Dismissal) Under submission. (tb ) (Entered: 07/09/2014)
07/09/2014	● <u>187</u>	Notice of Change of Address <i>for Creditor Miller Starr Regalia</i> Filed by Requestor Miller Starr Regalia (Shepard, William) (Entered: 07/09/2014)
07/10/2014	● <u>188</u>	Adversary case <u>14-05066</u> . 21 (Validity, priority or extent of lien or other interest in property) Complaint by Booker T. Wade Jr. against Hoge Fenton Jones & Appel, Inc. . Fee Amount \$0.00 . (Attachments: # <u>1</u> AP Cover Sheet) (aw) (Entered: 07/10/2014)
07/14/2014	● <u>189</u>	Order Discharging Order to Show Cause (RE: related document(s) <u>150</u> Order to Show Cause for Dismissal). (no) (Entered: 07/15/2014)
07/14/2014	● <u>190</u>	Order Denying Ex Parte Motion For Violation of The Automatic Stay (Related Doc # <u>173</u> ) (no) (Entered: 07/15/2014)
07/14/2014	● <u>191</u>	Order Denying Motion to Stay Pending Appeal (Related Doc # <u>176</u> ) (no) (Entered: 07/15/2014)
07/14/2014	● <u>192</u>	Order Granting Motion to Convert Case to Chapter 7 (Related Doc # <u>145</u> ) Order Meeting of Creditors due by 7/28/2014. Financial Management Certificate due by 8/28/2014. (no) (Entered: 07/15/2014)
07/15/2014	●	Meeting of Creditors 341(a) meeting to be held on 8/5/2014 at 10:00 AM San Jose Room 130 Last day to oppose discharge or dischargeability is 10/6/2014 Proofs of Claims due by 11/3/2014 (no) (Entered: 07/15/2014)
07/15/2014	● <u>193</u>	Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors, and Deadlines (Generated) (no) (Entered: 07/15/2014)
07/15/2014	● <u>194</u>	OPPOSITION TO Motion to Avoid Lien Filed by Creditor Hoge. Fenton. Jones & Appel. Inc. (Attachments: # <u>1</u> Exhibit Request for Judicial Notice # <u>2</u> Certificate of Service) (Manov, Allison).

		Related document(s) <u>180</u> Motion to Avoid Lien with Hoge Fenton Jones & Appel Inc. filed by Debtor Booker Theodore Wade. ERROR: WRONG DOCKET EVENT SELECTED. CORRECTIVE ENTRY: COURT MODIFIED DOCKET TEXT AND ADDED LINKAGE TO RELATED DOCUMENT. Modified on 7/16/2014 (no). (Entered: 07/15/2014)
07/17/2014	● <u>195</u>	BNC Certificate of Mailing - Meeting of Creditors. (RE: related document(s) <u>193</u> Generate 341 Notices). Notice Date 07/17/2014. (Admin.) (Entered: 07/17/2014)
07/17/2014	● <u>196</u>	BNC Certificate of Mailing (RE: related document(s) <u>189</u> Order). Notice Date 07/17/2014. (Admin.) (Entered: 07/17/2014)
07/17/2014	● <u>197</u>	BNC Certificate of Mailing (RE: related document(s) <u>190</u> Order on Motion for Miscellaneous Relief). Notice Date 07/17/2014. (Admin.) (Entered: 07/17/2014)
07/17/2014	● <u>198</u>	BNC Certificate of Mailing (RE: related document(s) <u>191</u> Order on Motion to Stay Pending Appeal). Notice Date 07/17/2014. (Admin.) (Entered: 07/17/2014)
07/17/2014	● <u>199</u>	BNC Certificate of Mailing (RE: related document(s) <u>192</u> Order on Motion to Convert Case to Chapter 7). Notice Date 07/17/2014. (Admin.) (Entered: 07/17/2014)
07/18/2014	●	Adversary Case Closed 5:14-ap-5061. (aw) (Entered: 07/18/2014)
07/28/2014	● <u>200</u>	Response to Opposition (RE: related document(s) <u>194</u> Motion to Avoid Lien). Filed by Debtor Booker Theodore Wade Jr. (lub) (Entered: 07/29/2014)
07/29/2014	●	Receipt of Appeal Filing Fee. Amount 298.00 from Booker T Wade. Receipt Number 50092333. (admin) (Entered: 07/29/2014)
07/29/2014	● <u>201</u>	Notice of Appeal to District Court , Fee Amount \$ 298. (RE: related document(s) <u>192</u> Order on Motion to Convert Case to Chapter 7). Appellant Designation due by 8/12/2014. Transmission to District Court due by 8/28/2014. Filed by Debtor Booker Theodore Wade Jr. (lub) (Entered: 07/30/2014)
07/29/2014	● <u>202</u>	Statement of Election to District Court, (RE: related document(s) <u>201</u> Notice of Appeal filed by Debtor Booker Theodore Wade). Filed by Debtor Booker Theodore Wade Jr. (lub)

	(Entered: 07/30/2014)
--	-----------------------

Entered on Docket

July 15, 2014

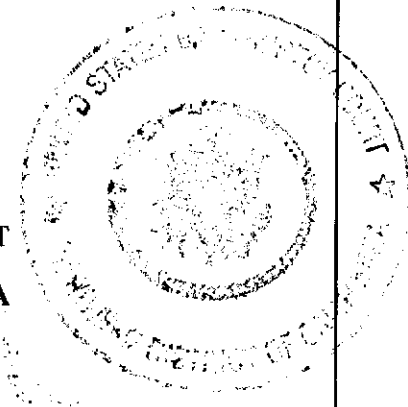
EDWARD J. EMMONS, CLERK  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

The following constitutes  
the order of the court. Signed July 14, 2014

UNITED STATES BANKRUPTCY COURT  
Northern District of California  
I certify that this is a true, correct and full copy  
of the original document on file in my custody.  
Dated 7/30/14  
by [Signature]  
Deputy Clerk

[Signature: Stephen L. Johnson]  
Stephen L. Johnson  
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA



In re

BOOKER T. WADE, JR.,

Debtor

Case No.: 13-50376 SLJ

Chapter 11

Date: July 9, 2014  
Time: 2:00 p.m.  
Crm: 3099

ORDER CONVERTING CASE TO CHAPTER 7

The United States Trustee ("UST") filed a Motion to Convert or Dismiss Chapter 11 Case ("UST Motion") on June 10, 2013. Coincidentally, the court issued an Order to Show Cause re Dismissal or Conversion ("OSC") on the same date. The two matters came on for hearing on July 9, 2014.<sup>1</sup> Booker T. Wade, Jr., ("Debtor") opposed both the UST Motion and

<sup>1</sup> The court concurrently enters a separate order discharging the OSC as moot.

1 the OSC. The UST filed a brief supporting the OSC. Arlene Stevens, a party in interest,  
2 supported both motions, as did Campeau Goodsell Smith, L.C. ("CGS").

3 At the hearing on the motions, Debtor appeared pro se. John Wesolowski, Esq.  
4 appeared for the U.S. Trustee. Wendy Smith, Esq. appeared for the law firm Rossi,  
5 Hamerslough, Reischl & Chuck (which is holding certain funds claimed by the bankruptcy  
6 estate), and William J. Healy, Esq. appeared for CGS.

### 7 **I. FACTUAL BACKGROUND<sup>2</sup>**

8 Debtor commenced this case on January 22, 2013, by filing a voluntary petition under  
9 chapter 11 of the Bankruptcy Code. Since that time, he has remained in possession of the  
10 estate. The court has conducted numerous lengthy hearings in this matter, and has issued  
11 numerous orders. This memorandum assumes familiarity with the record. The court  
12 specifically incorporates these orders: Order (1) Denying Motion to Reject Executory  
13 Contract and (2) Granting Motion for Relief from Stay ("Rejection Order"), entered on  
14 September, 2013, Docket No. 77, and Order Denying Approval of First Amended Disclosure  
15 Statement (April 22, 2014) ("Disclosure Statement Order"), entered on May 7, 2014, Docket  
16 No. 129. Both of those orders discussed the factual and procedural background in this case.<sup>3</sup>

17 Still, given the lengthy record, the court concludes a short summary of the case is  
18 warranted. Debtor was involved for many years in business and romance with Arlene  
19 Stevens. When the partnership ended, the parties began litigation in two different state courts,  
20 which was resolved in a judicially supervised settlement conference in the Santa Clara  
21 Superior Court. The settlement was reduced to writing but neither party signed it. Instead,  
22 there is a 116-page transcript of the settlement conference. The major points of agreement  
23 were these: Stevens would sell real property at 3515 Tripp Road, Woodside, California  
24

---

25 <sup>2</sup> This order constitutes the court's findings and conclusions under FED. R. BANKR. P.  
26 7052(a).

27 <sup>3</sup> See also Docket No. 182 (transcript of hearing held on April 3, 2014) and Docket  
28 No.183 (transcript of hearing held on June 11, 2014).



1 (“Woodside Property”), and Debtor would sell real property at 1010 Corporation Way, Palo  
2 Alto, and 605 Forest Avenue, Palo Alto (the “Palo Alto Condo”). Stevens would keep the  
3 proceeds of the Woodside Property. Debtor would keep the proceeds of the Palo Alto Condo.  
4 Stevens and Debtor would split the proceeds of the Corporation Way property 60%-40%.  
5 The settlement contained many terms, including terms addressing the consequences of a  
6 failure by one party to perform its terms.

7 Later, the Woodside Property was sold by Ms. Stevens and the proceeds placed in an  
8 account being held by the Rossi, Hamerslough, Reischl & Chuck firm. The Corporation Way  
9 property was sold at foreclosure by the lender. Debtor has not sold the Palo Alto Condo and  
10 resides there.

11 After filing this case, Debtor sought to reject the settlement agreement under 11  
12 U.S.C. § 365 as an executory contract. Stevens took a different tack. She contended that  
13 Debtor materially breached the settlement agreement. She moved for relief from stay under  
14 § 362(d) to have a judgment entered enforcing the terms of the settlement agreement. As set  
15 forth in the Rejection Order, the court held the settlement agreement was not executory and  
16 could not be rejected by Debtor. The court therefore granted relief from stay to allow the  
17 Superior Court to enter its judgment.

18 On January 14, 2014, the court entered an Order after Status Conference, which  
19 required Debtor to confirm a chapter 11 plan of reorganization by July 3, 2014. In attempting  
20 to comply with that order, Debtor has filed two different disclosure statements and plans.<sup>4</sup>  
21 The court has not approved either of those documents. In the Disclosure Statement Order, the  
22 court indicated that the proposed disclosure statement could not be approved because it did  
23 not contain adequate information. 11 U.S.C. § 1125(a)(1). Among other things, it failed to  
24 state what would become of a substantial sum of cash Debtor claimed to own – the proceeds  
25 of the Woodside Property sale. It also provided Debtor would retain the Palo Alto Condo.

---

26  
27 <sup>4</sup> Debtor is using a form plan which combines the disclosure statement and plan. The  
28 form is authorized by this district.



1 The latter point is inconsistent with the terms of the settlement agreement, which provided the  
2 Palo Alto Condo, like the Woodside Property, would be sold.

3 Some months later, on June 13, 2014, the Superior Court entered its Judgment re  
4 Enforcement of Settlement Agreement (the "Judgment"). The Judgment provided, in  
5 summary, that the money from the sale of the Woodside Property is the separate property of  
6 Ms. Stevens and should be released to her. Title to the Palo Alto Condo is to be transferred  
7 from Debtor to Ms. Stevens. The court instructed the clerk of court to execute the quitclaim  
8 deed if Debtor failed to cooperate.

9 In his opposition, Debtor indicates that he would like to file another plan and  
10 disclosure statement in which he will retain his interest in the Palo Alto Condo and his interest  
11 in the 50% of the proceeds from the sale of the Woodside Property.

## 12 II. LEGAL STANDARD

### 13 A. Legal Standard

14 A chapter 11 case can be converted or dismissed for "cause" if doing so is in the best  
15 interests of creditors and the estate. 11 U.S.C. § 1112(b)(1). The statute does not define  
16 "cause" but provides a non-exhaustive list at 11 U.S.C. § 1112(b)(4), which include:

17  
18 (A) substantial or continuing loss to or diminution of the estate and the absence of  
a reasonable likelihood of rehabilitation; ...

19 (E) failure to comply with an order of the court; ...

20  
21 (J) failure to file a disclosure statement, or to file or confirm a plan, within the  
time fixed by this title or by order of the court;

22 The court determines this case should be converted to chapter 7 for two reasons. Debtor has  
23 not confirmed a plan within the time limitation set by the court and Debtor has suffered losses  
24 and has no hope of reorganizing. Conversion is in the best interests of creditors and the  
25 estate.

1 B. Application of Legal Standard2 1. Violation of Court Order and Failure to Confirm Plan3 § 1112(b)(4)(E) and (J)

4 Debtor was ordered to confirm a chapter 11 plan by July 3, 2014. That date is now  
5 past and Debtor has no confirmed plan. For the reasons noted on the record at two hearings  
6 on Debtor's plan and disclosure statements, the plans he has offered are not confirmable  
7 absent consent of creditors, which he cannot obtain. Debtor has violated an order requiring  
8 confirmation of plan.

9 2. Substantial or Continuing Loss to or Diminution of the Estate and the  
10 Absence of a Reasonable Likelihood of Rehabilitation --§ 1112(b)(4)(C)

11 The Bankruptcy Code authorizes the court to dismiss or convert a case if there are  
12 continuing losses and no reasonable likelihood of rehabilitation. § 1112(b)(4)(C). According  
13 to Collier on Bankruptcy, this standard has two basic requirements:

14  
15 First, it tests whether, after the commencement of the case, the debtor has suffered or  
16 continued to experience a negative cash flow, or, alternatively, declined asset values.  
17 Second, it tests whether there is any reasonable likelihood that the debtor, or some  
18 other party, will be able to stem the debtor's losses and place the debtor's business  
19 enterprise back on a solid financial footing within a reasonable time.

18 COLLIER ON BANKRUPTCY ¶1112.04[6][a], A. Resnick and H. Sommer, eds. (16th ed. 2013).

19 As to the first point, the estate has operating losses. Debtor's May 2014 Monthly  
20 Operating Report indicates he has \$2,931 in unpaid post-petition liabilities. After eighteen  
21 months in chapter 11, Debtor has accumulated only \$2,932 in cash. Although these numbers  
22 might seem insubstantial, they are substantial given the facts of this case. Debtor only earns  
23 about \$2,700 per month from Social Security. The shortfall represents a full month of his  
24 earnings. Given that he has no other regular source of income and that he spends all that he  
25 earns, the unpaid bills are substantial.

26 As to the second point, Debtor appears unable to progress toward confirmation. The  
27 court granted relief from stay to allow Ms. Stevens to return to state court to confirm the  
28 settlement agreement the parties reached. In June 2014, the Superior Court entered the

1 Judgment that provided that Ms. Stevens is entitled to the balance of the funds from the sale  
2 of the Woodside Property, which is being held by Rossi, Hamerslough, Reischl and Chuck. It  
3 also required that the Palo Alto Condo be transferred to Ms. Stevens. Finally, it required that  
4 most of the money be distributed to Ms. Stevens, in accordance with the agreement the parties  
5 reached in the Superior Court. Debtor has little left to reorganize at this point.

6 Debtor contends, on the contrary, that he has much to reorganize. He takes a dim view  
7 of the Judgment. Debtor argues the court can, in effect, ignore the Judgment because it was  
8 unlawfully signed and entered. In fact, Debtor has filed an Ex Parte Motion for Order  
9 Declaring as Void State Court Judgment in Violation of Automatic Stay, seeking an order  
10 holding the Judgment was a violation of the automatic stay.<sup>5</sup> Debtor also argues that this  
11 court has the authority to completely void the Judgment due to a claimed violation of the  
12 Federal Arbitration Act.

13 The simple answer to all of this is that the bankruptcy court does not sit in review of  
14 the judgments of the state courts. *Rooker v. Fidelity Trust Co.*, 263 U.S. 413, 44 S.Ct. 149, 68  
15 L.Ed. 362 (1923); *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 103  
16 S.Ct. 1303, 75 L.Ed.2d 206 (1983). The cases cited by Debtor are not contrary. *Laster v.*  
17 *AT&T Mobility LLC*, 131 S.Ct. 1740 (2011), is a case that was tried in the district court,  
18 without any judgment from the state court, and *Preston v. Ferrer*, 552 U.S. 346 (2008),  
19 concerns a grant of certiorari after a state court judgment was affirmed by the state court of  
20 appeal.

21 Every plan Debtor offered to this court seeks to avoid the terms of a settlement  
22 agreement that he reached voluntarily and with the advice of counsel. That such a plan could  
23 never be confirmed is plain. The now-extant Judgment provides that Ms. Stevens is the  
24 owner of certain property that is claimed by Debtor. Debtor does not propose to settle his  
25 dispute with Ms. Stevens under the Judgment. Instead, Debtor's plan proposes to confirm  
26

---

27 <sup>5</sup> The court concurrently enters an order denying the ex parte motion on procedural  
28 grounds.

1 title to that property, including the cash and the Palo Alto Condo, in his name, and to use that  
2 money to pay his creditors' claims. A plan of reorganization can do many things, *see* §1123,  
3 but it cannot take title to assets belonging to a third party and put them in a debtor's name.

4 More importantly, Ms. Stevens is not a mere creditor. The court granted relief from  
5 stay to allow Ms. Stevens to confirm the settlement agreement she reached with Debtor in  
6 Superior Court. The Superior Court then entered the Judgment, which confirmed that title to  
7 certain assets is properly in Ms. Stevens' name. Thus, Ms. Stevens can be seen as the *owner*  
8 of the same assets Debtor seeks to distribute. Absent an affirmative vote from Ms. Stevens,  
9 who has already rejected this treatment, this plan could never be confirmed. *See*  
10 § 1129(a)(8)(impaired classes must accept plan) and § 1129(b)(2) (classes that reject a plan  
11 can be crammed down only if the plan is "fair and equitable").

12 The court therefore concludes that Debtor does not have a reasonable likelihood of  
13 rehabilitation.

14 3. Conversion or Dismissal

15 The court has to decide whether the case should be converted or dismissed. The U.S.  
16 Trustee and all the parties except Debtor urge conversion. Debtor opposed both.

17 The court finds conversion is the appropriate course. The court must act in the best  
18 interests of creditors and the estate. 11 U.S.C. § 1112(b)(1). Debtor has existing creditors  
19 and may benefit from a discharge of his obligations. A chapter 7 trustee can look into the  
20 other issues Debtor has raised to determine objectively the best course of action for the estate  
21 and its creditors.

22 **III. CONCLUSION**

23 For the reasons indicated, the U.S. Trustee Motion is granted and the case is  
24 CONVERTED to chapter 7. The OSC will be discharged because it is moot.

25 IT IS SO ORDERED.

26 \*\*\* END OF ORDER\*\*\*

**COURT SERVICE LIST**

Booker T. Wade Jr.  
605 Forest Ave.  
Palo Alto, CA 94301

ECF Parties by Electronic Means Only

**UNITED STATES BANKRUPTCY COURT  
for the Northern District of California**

## Notice Recipients

District/Off: 0971-5

User: nortiz

Date Created: 7/15/2014

Case: 13-50376

Form ID: pdfec

Total: 1

**Recipients submitted to the BNC (Bankruptcy Noticing Center):**

db Booker Theodore Wade, Jr. 605 Forest Avenue Palo Alto, CA 94301

TOTAL: 1